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BEFORE THE ARIZONA STATE BOARD  
OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of :	)	No. 92-002
Patrick Marsh, D.O.	)	
Holder of License No. 2502	)	CONSENT TO ENTRY OF
for the Practice of Osteopathic	)	ORDER AND FINDINGS
Medicine and Surgery in the	)	OF FACT, CONCLUSIONS
<u>State of Arizona</u>	)	OF LAW AND ORDER

A complaint charging Patrick Marsh, D.O., Holder of License No. 2502 for the practice of Osteopathic Medicine and Surgery in the State of Arizona with unprofessional conduct as provided in A.R.S. §32-1854 having been received by the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board"); and Patrick Marsh, D.O., having expressed a desire to execute a Consent to Entry of Order ("Order") pursuant to A.R.S. §41-1061(D) in lieu of participating in a public hearing concerning the allegations contained in the complaint;

THEREFORE, in lieu of further proceedings and as a final disposition of this matter:

(1) Patrick Marsh, D.O. admits that the Findings of Fact and Conclusions of Law set forth are true and accurate.

(2) Patrick Marsh, D.O. admits that the conduct described in this Order is unprofessional conduct as provided by A.R.S. §32-1854.

(3) Patrick Marsh, D.O. acknowledges that the record prepared in this matter, all investigative material prepared and received by the Board concerning the allegations, and all related exhibits and

1 materials may be retained in the Board's file pertaining to this  
2 matter.

3 (4) Patrick Marsh, D.O. understands that pursuant to A.R.S. §32-  
4 1855, he has the right to a public hearing concerning each  
5 allegation set forth in the above captioned matter at which Patrick  
6 Marsh, D.O. could present evidence and cross-examine witnesses.  
7 Patrick Marsh, D.O. waives his right to such hearing.

8 (5) Patrick Marsh, D.O. waives any right to rehearing or review  
9 or to judicial review of the Findings of Fact Conclusions of Law or  
10 Order.

11 (6) Patrick Marsh, D.O. acknowledges that based upon the  
12 Findings of Fact and Conclusions of Law, coupled with his admission  
13 thereto, and pursuant to A.R.S. §32-1855, the Board is authorized to  
14 take formal disciplinary action against his license to practice  
15 osteopathic medicine and surgery.

16 (7) Patrick Marsh, D.O. understands that he has the right to  
17 consult with an attorney prior to signing this Consent to Entry of  
18 Order.

19 (8) Patrick Marsh, D.O. acknowledges that the Findings of Fact,  
20 Conclusions of Law and Order contained herein are conclusive  
21 evidence of unprofessional conduct which may not be disputed, denied  
22 or relitigated in any future proceeding and may be used for purposes  
23 of determining sanctions in any future disciplinary matter.

24 (9) Patrick Marsh, D.O. hereby authorizes any attending  
25 physician, psychiatrist or psychologist to release to the Board all  
26 records pertaining to his care and treatment.

1 (10) Patrick Marsh, D.O. acknowledges that any violation of  
2 this Order by him constitutes grounds for further disciplinary  
3 action for unprofessional conduct pursuant to A.R.S. §32-1854(26).

4 (11) Patrick Marsh, D.O. acknowledges that this Order is  
5 effective beginning on the 4<sup>th</sup> day of February, 1992.

6 DATED this 14<sup>th</sup> day of February, 1992.

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10 Attorney for Respondent

Patrick J. Marsh  
Respondent

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12 Pursuant to the foregoing Consent to Entry of Order, the  
13 evidence contained in the Board's records and files in this matter,  
14 and good cause appearing, the Board makes the following:

15 FINDINGS OF FACT

16 I

17 Patrick Marsh, D.O. is the holder of License No. 2502 for the  
18 practice of osteopathic medicine and surgery in the State of  
19 Arizona.

20 II

21 The Board of Osteopathic Examiners in Medicine and Surgery is  
22 the duly constituted authority for the regulation of the practice of  
23 osteopathic medicine and surgery in the State of Arizona, pursuant  
24 to Title 32, chapter 17 of the Arizona Revised Statutes.

25 III

26 On February 4, 1992, Patrick Marsh, D.O., admitted to staff of  
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1 the Arizona Board of Osteopathic Examiners in Medicine and Surgery  
2 that he had self-medicated with controlled and/or prescription only  
3 medications on one or more occasions prior to that date.

4 IV

5 On January 28, 1992 a forensic toxicology screen was performed  
6 on a urine sample obtained from Patrick Marsh, D.O. on that date.  
7 The results of this test indicated the presence of the following  
8 controlled and/or prescription only medications: Hydrocodone  
9 (Codeine), Alprazolam Metabolite (Xanax) and Phentermine.

10 V

11 Patrick Marsh, D.O., was not on that date, under the care and  
12 treatment of a physician, and had not been prescribed the  
13 medications found in his urine sample by a physician during a  
14 recognized course of treatment.

15 CONCLUSIONS OF LAW

16 VI

17 The conduct described in paragraphs III through V herein  
18 constitutes unprofessional conduct as defined in A.R.S. §32-1854(19):  
19 Conduct or practice contrary to recognized standards of ethics of  
20 the Osteopathic Medical Profession or conduct or practice which does  
21 or might constitute a danger to the health, welfare or safety of the  
22 patient or the public or conduct or practice or condition which does  
23 or might impair the ability safely and skillfully to practice  
24 medicine.

25 VII

26 The conduct described in paragraph III through V herein  
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1 constitutes unprofessional conduct as defined in A.R.S. §32-1854(22):  
2 Use of controlled substances or prescription-only drugs unless  
3 provided by a medical practitioner, as defined in §32-1901, as part  
4 of a lawful course of treatment.

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6 ORDER

7 Pursuant to A.R.S. §32-1855(E)(4), Patrick Marsh, D.O. be subject to  
8 the following order:

9 (1) Patrick Marsh, D.O. shall successfully complete a program of  
10 treatment for substance abuse and chemical dependence at Chandler  
11 Valley Hope Center, Chandler, Arizona ("program"). The duration of  
12 the program shall be no less than one month and no more than two  
13 months, and shall be determined by the Director of Chandler Valley  
14 Hope Center. All costs associated with participation in the program  
15 shall be borne by Patrick Marsh, D.O. Patrick Marsh, D.O. shall  
16 provide the Executive Director of the Board evidence demonstrating  
17 that he successfully completed the program. Such evidence shall  
18 consist of documentation issued by Chandler Valley Hope Center  
19 demonstrating Patrick Marsh, D.O.'s successful completion of the  
20 program.

21 (2) Patrick Marsh, D.O. shall refrain completely from the practice  
22 of osteopathic medicine and surgery until the Board has determined  
23 to its sole satisfaction that Patrick Marsh, D.O. has successfully  
24 completed the program. Such determination by the Board shall be  
25 made exclusively by formal board action.

26 (3) Patrick Marsh, D.O. shall meet with the Board following the  
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1 successful completion of the treatment program identified in  
2 paragraph (1). At that time the Board will establish the terms and  
3 conditions of probation under which Patrick Marsh, D.O., shall be  
4 allowed to resume the practice of osteopathic medicine and surgery  
5 in the state of Arizona.

6 (4) Patrick Marsh, D.O. shall use no controlled substance or  
7 prescription-only medication unless prescribed by his attending  
8 physician. Patrick Marsh, D.O. shall refrain completely from the  
9 use of alcohol. Patrick Marsh, D.O. shall notify the Board in  
10 writing of any substance or medication prescribed to him by a  
11 physician within twenty-four hours after such prescription is  
12 ordered by the attending physician.

13 DATED this 14<sup>th</sup> day of February, 1992

14 ARIZONA STATE BOARD OF OSTEOPATHIC  
15 EXAMINERS IN MEDICINE AND SURGERY

16 [ S E A L ]  
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18 By William C. Holbrook, Jr., D.O.  
19 President

20 By Robert J. Miller  
21 Executive Director  
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